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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
LUIS PEREZ,  
  
Defendant.

CASE NO. 1:21-CR-00185-JLT-BAM

STIPULATION TO CONTINUE CHANGE OF  
PLEA HEARING, AND EXCLUDE TIME  
PERIODS UNDER THE SPEEDY TRIAL ACT;  
[PROPOSED] ORDER

DATE: February 5, 2024  
COURT: Hon. Jennifer L. Thurston

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a change of plea hearing on February 5, 2024.
2. Defense has encountered some obstacles, including some health-related delays, that interfered with being prepared to proceed with the change of plea set for February 5, 2024, and requests additional time until April 1, 2024 at 9:00 a.m.
3. Based on the above-stated findings, the ends of justice served by continuing the case for a change of plea as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
4. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 5, 2024 through April 1, 2024, inclusive,

1 is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance  
2 granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice  
3 served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4 5. The parties agree and stipulate, and request that the Court find the following:

5 a) The government represents that the discovery associated with this case has been  
6 provided. The government is aware of its ongoing discovery obligations.

7 b) The parties anticipate the defendant entering a change of plea on April 1, 2024.

8 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
9 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
10 must commence.

11  
12 IT IS SO STIPULATED.

13 Dated: February 5, 2024

14 PHILLIP A. TALBERT  
United States Attorney

15 /s/ KIMBERLY A. SANCHEZ  
16 KIMBERLY A. SANCHEZ  
Assistant United States Attorney

17 Dated: February 5, 2024

18 /s/ RICHARD BESHWATE  
19 RICHARD BESHWATE  
Counsel for Defendant  
20 LUIS PEREZ  
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**[PROPOSED] FINDINGS AND ORDER**

The change of plea hearing set for February 5, 2024 is continued to April 1, 2024.

Time is excluded through April 1, 2024 pursuant to 18 United States Code Section 3161(h)(7)(A), B(iv). The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: **February 5, 2024**

  
UNITED STATES DISTRICT JUDGE